

No. 4:17-cv-1454-SPM

¹ The Court entered two orders on May 9, 2017. In this Memorandum and Order, the Court refers only to docket number 3, the order directing plaintiff to either pay the filing fee or move for leave to proceed *in forma pauperis*.

This action will therefore be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (holding that a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

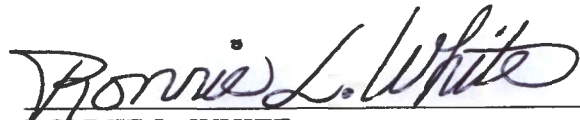
Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel (Docket No. 7) is **DENIED** as moot.

IT IS HEREBY CERTIFIED that an appeal would not be taken in good faith.

Dated this 27th day of June, 2017.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE